

Superior Court of Washington
County of _____

<p>In re the Detention of:</p> <div style="text-align: right; margin-top: 20px;">_____ Respondent</div>	<p>Case No. _____</p> <p>Findings, Conclusions, and Order Committing Respondent for Involuntary Treatment or Less Restrictive Treatment</p> <p>Clerk's Action Required: <input type="checkbox"/> 16, 17, <input type="checkbox"/> 18</p>
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<i>Select all that apply:</i>	
<p><input type="checkbox"/> Mental Disorder</p> <p><input type="checkbox"/> 90-day involuntary inpatient treatment (ORDT90)</p> <p><input type="checkbox"/> 180-day involuntary inpatient treatment (ORDT180)</p> <p><input type="checkbox"/> 90-day LRA (ORDL90)</p> <p><input type="checkbox"/> 180-day LRA (ORDL180)</p> <p><input type="checkbox"/> One-year LRA (ORDL1Y)</p> <p><input type="checkbox"/> 90-day AOT (AOTL90)</p> <p><input type="checkbox"/> 180-day AOT (AOTL180)</p>	<p><input type="checkbox"/> Substance Use Disorder</p> <p><input type="checkbox"/> 90-day involuntary inpatient treatment (ORDT90S)</p> <p><input type="checkbox"/> 180-day involuntary inpatient treatment (ORDT18S)</p> <p><input type="checkbox"/> 90-day LRA (ORDL90S)</p> <p><input type="checkbox"/> 180-day LRA (ORDL18S)</p> <p><input type="checkbox"/> One-year LRA (ORDL1YS)</p> <p><input type="checkbox"/> 90-day AOT (AOTL90S)</p> <p><input type="checkbox"/> 180-day AOT (AOTL18S)</p>
<p>LRA/AOT Expires on _____.</p>	

Hearing

The court held a hearing on (date) _____ on the:

- ☐ Petition for ☐ **90 Days** ☐ **180 Days** ☐ **1 Year** of involuntary treatment.
- ☐ Petition for Assisted Outpatient Behavioral Health Treatment.

At the hearing:

- ☐ Respondent appeared ☐ in person ☐ by video
and was represented by _____
- ☐ Respondent waived their appearance through counsel.
- ☐ A separate appearance waiver has been filed.

☐ Respondent orally waived their appearance through defense counsel, and the court accepts this waiver.

☐ Petitioner appeared ☐ in person ☐ by video

and was represented by _____

☐ Guardian ad Litem (GAL) ☐ appeared in person ☐ appeared by video ☐ waived appearance.

☐ Guardian ad Litem (GAL) waived Respondent's appearance.

☐ Witness _____ appeared ☐ in person ☐ by video or ☐ under CR 43 by ☐ telephone ☐ _____

☐ Witness _____ appeared ☐ in person ☐ by video or ☐ under CR 43 by ☐ telephone ☐ _____

☐ Agreed order.

In addition to the findings of fact and conclusions of law written below, the court incorporates by reference the oral findings of fact and conclusions of law.

Findings of Fact

The court makes the following findings of fact:

1. **Reason/s for Commitment.** Petitioner has proven by clear, cogent, and convincing evidence that Respondent suffers from the following behavioral health disorder/s: *(Select all that apply):*

☐ Substance use disorder: _____

☐ Mental disorder: _____

- ☐ **Felony Charges Dismissed.** Respondent was determined incompetent to stand trial and felony charges were dismissed. *(Select one or more options below.)*

☐ Respondent committed the following acts _____, which constitute the felony of _____, and as a result of a behavioral health disorder, Respondent presents a substantial likelihood of repeating similar acts. RCW 71.05.320(1)(c). *(Write facts in support below.)*

☐ The acts Respondent committed constitute a violent offense under RCW 9.94A.030. *(Write facts in support below.)*

☐ Respondent is in continuing custody under RCW 71.05.280(3). The court previously found that the Respondent committed acts constituting the felony of _____, and as a result of a behavioral health disorder, Respondent continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior. RCW 71.05.320(4)(c). *(Write facts in support below.)*

☐ The acts Respondent committed constitute a violent offense under RCW 9.94A.030. *(Write facts in support below.)*

Facts in support: _____

[] **Likelihood of Serious Harm.** (*Write facts in support below.*)

- [] After having been taken into custody for evaluation and treatment, Respondent has threatened, attempted, or inflicted physical harm upon another person or themselves or substantial damage upon the property of another, and as a result of a behavioral health disorder, presents a likelihood of serious harm.
- [] Respondent was taken into custody because Respondent attempted or inflicted physical harm on another person or themselves, or substantial damage on the property of others, and as a result of a behavioral health disorder, continues to present a likelihood of serious harm.

Facts in support: _____

[] **Gravely Disabled.** (*Write facts in support below.*) As a result of a behavioral health disorder, Respondent:

- [] is in danger of serious physical harm resulting from the failure to provide for their essential needs of health or safety; or
- [] manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over actions, is not receiving such care as is essential for health and safety; harmful consequences will follow if involuntary treatment is not ordered and Respondent, due to a severe deterioration of mental functioning is unable to make a rational decision regarding the need for treatment.

Facts in support: _____

[] In need of assisted outpatient behavioral health treatment. (*Write facts in support below.*) As a result of a behavioral health disorder, Respondent:

- has been committed by a court to detention for involuntary behavioral health treatment during the preceding 36 months (excluding confinement as a result of a criminal conviction);

- is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of Respondent's current behavior;
- is likely to benefit from less restrictive alternative treatment; and
- requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in Respondent presenting a likelihood of serious harm or Respondent becoming gravely disabled within a reasonably short period of time.

Facts in support: _____

☐ An approved substance use disorder treatment program with adequate space for Respondent ☐ is available ☐ is not available.

☐ Respondent is being discharged from the hospital. Respondent's previous commitment term was for intensive inpatient treatment in a state hospital.

3. Less Restrictive Alternative Treatment.

☐ Less restrictive alternative treatment is in the best interest of Respondent or others.
 OR

☐ Less restrictive alternative treatment is not in the best interest of Respondent or others. (*Explain:*) _____

4. ☐ Agreed Order. Respondent, after consultation with counsel, agrees to the entry of this order.

5. Other: _____

Conclusions of Law

6. Jurisdiction. The court has jurisdiction over the parties and subject matter of this behavioral health disorder proceeding.

7. Criteria. Petitioner established by clear, cogent, and convincing evidence that the Respondent:

☐ presents/continues to present a likelihood of serious harm.

☐ presents/continues to present a substantial likelihood of repeating acts similar to committed acts constituting a felony which were charged and dismissed based on incompetence to stand trial.

☐ is/continues to be gravely disabled.

☐ is in need of assisted outpatient behavioral health treatment.

8. Other: _____

The Court Orders

9. **Involuntary Treatment** as follows:

☐ **Inpatient Treatment.** The court orders ☐ **90 days** ☐ **180 days** of intensive inpatient treatment. Respondent is remanded into the custody of DSHS or to a facility certified by the Department of Health. Initial treatment facility, if known:

☐ **Inpatient Mental Health Treatment at:** _____

☐ **Substance Use Disorder Treatment Program at:** _____

☐ **Other:** _____

Respondent may be referred during the commitment period to a different treatment facility appropriate to the needs of Respondent without need for further court review.

Escape and Recapture. If Respondent escapes from the treatment facility, any Peace Officer shall apprehend, detain, and return Respondent to this treatment facility or to a facility designated by a designated crisis responder.

☐ **Less Restrictive Treatment** as follows:

☐ **Less Restrictive Alternative Treatment.** Respondent is released to less restrictive alternative treatment (LRA) for:

☐ **90 days** ☐ **180 days** ☐ **1 year**

☐ **Assisted Outpatient Behavioral Health Treatment.** Respondent is released for assisted outpatient treatment on a less restrictive alternative (AOT) for:

☐ **90 days** ☐ **180 days**

LRA/AOT services and conditions:

☐ (Name) _____ is the behavioral health service provider responsible for identifying the services Respondent will receive in accordance with RCW 71.05.585.

Respondent must cooperate with the treatment planned by the behavioral health service provider.

☐ **Appointment of a Transition Team.** Respondent was committed under RCW 71.05.280(3)(b) after committing acts constituting a violent felony, for which charges were dismissed based on incompetency to stand trial. Respondent is now being released from custody for a period of less restrictive alternative treatment. The court appoints a multidisciplinary transition team to supervise and assist Respondent, consisting of:

A representative of the community behavioral health agency providing treatment.

Name and contact information (if known): _____

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- ☐ A specially trained community corrections officer. Name and contact information (if known): _____
- or
- ☐ The court does not appoint a community corrections officer because the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community.
- 10. Violation and Hospitalization.** If a treatment agency or facility, or a designated crisis responder determines that Respondent is not following the terms and conditions of this order, or that substantial deterioration or substantial decompensation in Respondent's functioning has occurred, or that Respondent poses a likelihood of serious harm, they may take action to enforce, modify, or revoke the less restrictive alternative. If revocation procedures are begun under RCW 71.05.590, a hearing shall be held within 5 days to address the allegations and determine whether this order should be modified or whether Respondent should be returned to an evaluation and treatment facility for intensive inpatient treatment for the remainder of the treatment period or for 14 days from the revocation hearing under RCW 71.05.590.
- (If the current less restrictive alternative is solely based on Respondent being in need of assisted outpatient behavioral health treatment, then revocation proceedings are under RCW 71.05.590).*
- 11. ☐ Transportation.** Respondent is remanded into the custody of _____ for transportation and delivery to the treatment facility.
- 12. ☐ For Revocation Hearings, Concurrent Jurisdiction:** Respondent will receive treatment in _____ County and that county shall have concurrent jurisdiction with this county to consider any Petition for Revocation of this Order without further order of this court.
- 13. Right to Full Hearing or Jury Trial.** If a subsequent petition is filed seeking involuntary treatment beyond the 90 day / 180 day / 1-year period, Respondent will have the right to a full hearing or jury trial as required by RCW 71.05.310.
- 14. Firearms Possession Prohibited.** (Not applicable for persons committed for substance use disorder treatment.) Respondent shall immediately surrender any concealed pistol license and Respondent may not possess a firearm unless Respondent's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.
- 15. Notice to the Department of Corrections.** If Respondent is, or becomes, subject to supervision by the Department of Corrections, Respondent must notify the treatment provider. The treatment provider must share Respondent's mental health treatment information and substance use disorder treatment information with the Department of Corrections for the duration of Respondent's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of 1 or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this information.
- 16. ☐ The jury trial** set in this matter is stricken.
- 17. The clerk of the court** must share hearing outcomes under ch. 71.05 RCW, including the name of the facility where the person has been committed, with the local behavioral
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health administrative services organization that serves the region where the superior court is located. This includes for cases where the designated crisis responder investigation occurred outside the region. RCW 71.05.740. Name of Facility: _____

18. ☐ **Review hearing scheduled for (purpose):** _____

On: (date) _____ at _____ a.m./p.m.

At: _____ Court, Room/Department: _____

Address: _____

19. **Other.** _____

Dated: _____

Judge / Commissioner

Approved as to form

Approved as to form

Attorney for Petitioner DPA/AAG

WSBA No. _____

Attorney for Respondent

WSBA No. _____

Respondent

Interpreter certifies that they have reviewed this order with Respondent.

Interpreter